



## THE BILINGUAL SERVICES PROGRAM

The State Personnel Board's (SPB) Bilingual Services Program (BSP) was created in 2000 to carry out the provisions of the Dymally-Alatorre Bilingual Service Act (Act) of 1973. The intent of this Act is to eliminate any language barriers that may preclude people from equal access to public services. In November of 1999, the California State Auditor issued a report on compliance with the Act by state and local government agencies. The report concluded that the SPB had fulfilled its responsibilities in accordance with the Act; however, it offered services of recommendations to further enhance the value and effectiveness of the BSP.

The Auditor found that some state agencies have not fully complied with certain provisions of the Act and were not aware of the requirement to translate materials explaining services into languages spoken by a substantial number of the people they serve. The report called for the SPB to assume a stronger role in informing state departments of their responsibilities under the Act and in providing technical assistance. The report described a number of areas for improvement, particularly the language survey and how its results are reported to the Legislature.

## **THE INTENT OF THE ACT**

The Act requires state and local agencies to “provide for effective communication between all levels of government and the people of this state who are precluded from utilizing public services because of language barriers.” The Act sets forth specific requirements for state agencies to ensure provision of information and services to the public in the languages of the non-English speaking person. State departments are required to conduct a biennial language survey and report their finding to the SPB by March 31 of every even-numbered year. The Act further mandates that the SPB report state agencies’ compliance with the Act to the Legislature.

### **The Act requires:**

1. Every state agency directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number, of the non-English speaking public, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-speaking person.
2. The Act states that a “substantial number” of non-English-speaking people are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5% or more of the people served by any local office or facility of the state agency. If a unit receives calls or other contacts from a group that equals 5% or more of those contacts and this group is non-English-speaking, the department must provide bilingual staff.
3. Agencies providing materials explaining services available must translate these materials into any non-English language spoken by a substantial number of the public served by the agency. Also, if the department has not translated all of the documents required, it must describe the alternative means used to ensure the non-English speaking persons are receiving an equal level of service.
4. Each department will develop an Implementation Plan outlining their bilingual service program.
5. Each department shall conduct a biennial language survey to determine:
  - The number and percentage of public contacts received by departmental units/office and counties.

- The number of positions with public contact responsibilities in each unit and the classifications of such positions;
- The number of certified bilingual employees in positions having public contact responsibilities, by second language skill;
- The number of anticipated vacancies and appointments to public contact positions during the year following each survey;
- The extent to which contracted telephone based interpretation services is being used to serve the language needs of non-English speaking public and;
- The number of bilingual hiring commitments the department has identified for each local office that reported at least 5% non-English speaking contacts per unit. Departments must include an explanation of how equal level of service will be provided in those offices with less than 5%, but with a substantial number (25 or more contacts) of non-English-speaking contacts.